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Amendment C

### **REMARKS**

The Specification and Claims 1 and 23 have been amended. Claims 2 and 14 have been previously withdrawn from consideration. Twenty-nine (29) claims remain pending in the application: Claims 1, 3-13 and 15-31. Reconsideration of Claims 1, 3-13 and 15-31 in view of the amendments above and remarks below is respectfully requested.

Initially, Applicants note that the Office Action mailed March 8, 2004 was replaced by the Office Action mailed March 25, 2004. Applicants also acknowledge with appreciation the Examiner's willingness to take part in the telephonic interview on March 19, 2004. Applicants also acknowledge with appreciation that claims 11-13 and 15-22 are allowed.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### **Summary of Applicant Initiated Examiner Interview**

1. Per 37 CFR § 133(b), the following is a brief summary of the Examiner interview conducted March 19, 2004 via telephone between Scott J. Menghini, Attorney of Record, Examiner Joseph H. Nguyen and Examiner Jerome Jackson. No exhibits were provided. Applicant indicated that claim 11 should not be rejected along with claims 1 and 23 since claim 11 has not been amended in the same manner as claims 1 and 23. Applicant also discussed the rejection of claims 1 and 23 and suggested amendments to overcome the rejection. No agreement was reached regarding the rejection of claims 1 and 23. It was agreed that a replacement office action would be issued to consider claim 11.

### **Claim Rejections - 35 U.S.C. §112**

2. Claims 1, 3-10 and 23-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended claims 1 and 23 to clarify the limitation that the beam

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does not does not propagate directly between parallel reflecting surfaces. Accordingly, claims 1 and 23 have been amended to recite that the beam “does not propagate between parallel reflecting surfaces without reflection from an intervening reflecting surface in between the parallel reflecting surfaces”. Such amendment is clearly supported by the application as filed. For example, according to the embodiment of the invention illustrated in FIG. 1, the beam propagates through entrance face 104 strikes reflecting surface 108, then reflecting surface 110, then reflecting surface 112 before exiting the gain medium 102, the reflecting surfaces 108 and 112 being substantially parallel to each other. Thus, the beam propagates between parallel reflecting surfaces 108 and 112, but with a reflection off of intervening reflecting surface 110, which is in between reflecting surfaces 108 and 112 in the beam path. Support for this amendment is also clearly found in the specification at page 8, line 18; page 9, lines 23-24 and 26-28; page 10, lines 6-9 and 24-25. Additionally, based on the support found in the written description (such as noted above) and in the FIGS. (see for example, FIGS. 1, 11, 16 and 18), the specification has been amended to include additional description to provide explicit support in the written description for the claim amendments presented herein. Such amendments to the specification and the claims do not constitute new matter.

Thus, since claims 1 and 23 (and all dependent claims) contain subject matter which is described in the specification in such a way to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention, claims 1, 3-10 and 23-31 comply with the written description requirement of 35 U.S.C. 112, first paragraph. Therefore, it is respectfully submitted that the rejection is overcome and should be withdrawn.

Accordingly, for the same reasons as presented in the amendment filed January 5, 2004, the invention as recited in claims 1 and 23 is not disclosed or taught by U.S. Patent No. 6,134,258 (Tulloch), which teaches a laser in which the beam directly propagates in a zig-zag fashion between parallel reflecting surfaces. That is, according to the teaching of Tulloch and in contrast to that recited in claims 1 and 23, the beam does propagate between parallel reflecting surfaces without reflection from an intervening reflecting surface in between the parallel reflecting surfaces. If the beam of Tulloch were to not propagate as recited, the beam would not

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propagate in the zig-zag fashion, which is the core of the teaching of Tulloch. Thus, Tulloch teaches away from such modification. Therefore, Tulloch does not anticipate or render obvious claims 1, 3-10 and 23-31.

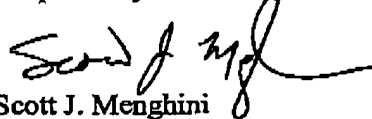
**Allowable Subject Matter**

2. Claims 11-13 and 15-22 have been allowed.

**CONCLUSION**

Applicants submit that the above amendments and remarks place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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